

RECEIVED
CENTRAL FAX CENTER

MAY 15 2006

PATENT

Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

(571) 273-8300

I certify that this document consisting of 26 pages (including 23 sheets of Appeal Brief and 1 sheet of Authorization to charge credit card) is being transmitted via facsimile to the United States Patent and Trademark Office at the telephone number set forth above on May 15, 2006.

By 
(Signature) Dikran Halajian

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JONATHAN C. GRIFFITHS

US 000136

Confirmation No. 6017

Serial No. 09/597,198

Group Art Unit: 2132

Filed: JUNE 20, 2000

Examiner: ZAND, KAMBIZ

Title: METHOD AND SYSTEM FOR ELECTRONIC DEVICE AUTHENTICATION

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an Appeal Brief in the above-identified patent application.

Please charge the Appeal Brief fee of \$500 to the credit card as noted in the enclosed authorization to charge credit card form.

It is believed that no additional fees or charges are

US000136-appeal cover-05-13-06.DOC

1

PATENT

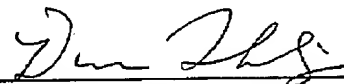
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

currently due beyond the fee for the Appeal Brief to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the present Appeal Brief, they may be charged to Appellant's representatives Deposit Account No. 50-3649.

In addition, please credit any overpayments related to any fees paid in connection with the present Appeal Brief to Deposit Account No. 50-3649.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Appellant
May 15, 2006

Enclosure: Appeal Brief (23 pages)
Authorization to charge credit card \$500 for Appeal
Brief fee

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

RECEIVED
CENTRAL FAX CENTER

MAY 15 2006

PATENT

Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

JONATHAN C. GRIFFITHS

US 000136

Serial No. 09/597,198

Confirmation No. 6017

Group Art Unit: 2132

Filed: JUNE 20, 2000

Examiner: ZAND, KAMBIZ

Title: METHOD AND SYSTEM FOR ELECTRONIC DEVICE AUTHENTICATION

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows, having filed a Notice of Appeal on March 15, 2006:

05/16/2006 TL0111 00000025 09597198

01 FC:1402

500.00 OP

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

STATUS OF CLAIMS

Claims 1-17 are pending in this application. Claims 1-17 are rejected in the Final Office Action mailed January 18, 2006. Claims 1-17 are the subject of this appeal.

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

STATUS OF AMENDMENTS

Appellant filed an after final request for reconsideration of claims 1-17 in response to a Final Office Action dated January 18, 2006. No amendments to the claims were made in the request for reconsideration. This Appeal Brief is in response to the Final Office Action mailed January 18, 2006 that rejected claims 1-17, which remain finally rejected in the Advisory Action mailed on March 6, 2006.

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as claimed in independent Claims 1, 13-14 and 17, include a method of authentication and a system, where an illustrative embodiment is shown in FIGs 1-2.

As shown in FIG 1 and described on page 6, line 18 to page 8, line 33 of the specification, for example, to enhance security, a system and method of authenticating a first electronic device 102 (102') and a second electronic device 111 include the following:

Upon link set-up over a short-range wireless link 107, such as a Bluetooth link, an authentication protocol is executed by exchanging authentication information between the first and second electronic devices 102', 111 to initially authenticate communication between the first and second devices. Security is enhanced by the requirement that the two devices 102', 111 are in physical proximity, as described on page 9, lines 5-6 of the specification, for example.

Later, when the first electronic device 102'/102 is moved (as shown by dashed lines 117 in FIG 1 and described on page 7, lines 13-15) such that the first and second electronic devices 102, 111

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

are beyond the short-range wireless link 107, the authentication protocol is executed by exchanging the authentication information between the first and second electronic devices 102, 111 over an alternate communications link 109 (as described on page 7, lines 29-34), then only allowing communication between the first and second devices 102, 111 if the first and second devices had initially been successfully authenticated over the short-range wireless link 107.

In addition, as shown in FIG 2 and described on page 5, lines 25-29, an embodiment of the electronic device 102 has a processor 104 and memory 105. As described above, including beginning on page 6, line 8 of the specification, for example, the memory 106 includes a software routine 110 executed by the processor 104 for generating authentication information useful in initially authenticating the electronic device 102' (102) to another electronic device 111 over the short-range wireless link 107, shown in FIG 1. Later, the processor 104 is configured for supplying the authentication information for later authentication of the electronic device 102 (102') to the other electronic device 111 over the alternate communications link 109, such as through the

PATENT
Serial No. C9/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

Internet 120 for example, when the devices 102, 111 are beyond the short-range wireless link 107, and then only allowing communication between the devices 102, 111 if the devices 102, 111 had initially been successfully authenticated.

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-17 of U.S. Patent Application Serial No. 09/597,198 are anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,772,331 (Hind).

The Appellant respectfully requests the Board to address the patentability of independent claims 1, 13-14 and 17, and of further claims 2-12 and 15-16 as depending from claims 1 and 14, based on the requirements of independent claims 1 and 14. This position is provided for the specific and stated purpose of simplifying the current issue on appeal. However, the Appellant herein specifically reserves the right to argue and address the patentability of 2-12 and 15-16 at a later date should the separately patentable subject matter of 2-12 and 15-16 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1, 13-14 and 17 is not intended as a waiver of Appellant's right to argue the patentability of the further claims and claim elements at that later time.

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

ARGUMENT

I. Claims 1-17 are said to be anticipated by Hind.

As correctly noted by the Examiner, Hind discloses the Bluetooth standard for communicating between two devices. (See column 1, lines 51-52). Hind also discloses that two devices are paired when both devices are provided with the same PIN. (See column 2, lines 60-61). According to the Examiner, this feature and other features recited on column 2, lines 51-67:

meets the limitation of "upon link set-up over a short-range wireless link, executing an authentication protocol by exchanging authentication information between the first and second electronic devices to initially authenticate communication between the first and second devices." (Pages 2-3 and page 4, first paragraph of the Final Office Action Emphasis added)

It is respectfully submitted that there is no teaching or suggestion in column 2, lines 51-67 of using a short-range wireless link. In fact, this section of Hind implies a long-range wireless link, as column 2, lines 50-54 refers to "unobserved" eavesdropper and RF penetrating buildings and wall, reciting:

PATENT

Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

In all these scenarios, the third party could even impersonate or eavesdrop unobserved, since radio frequency communication in the intended RF spectrum can penetrate sight-barriers such as buildings and walls. (Emphasis added)

Further, on Page 3, item 4 and page 4, item 8 of the Final Office Action, it is alleged that:

Hind teaches that the PIN is reused whenever communication with the same partner (Hind: column 3, lines 25-26). This meets the limitation of "later, when the first and second electronic devices are beyond the short-range wireless link, executing the authentication protocol by exchanging the authentication information between the first and second electronic devices over an alternate communications link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated." (Emphasis added)

It is respectfully submitted that there is no teaching or suggestion in column 3, lines 25-26 of two devices communicating "beyond the short-range wireless link," as recited in independent claims 1, 13-14 and 17.

Even assuming, arguendo, that Hind suggests that the two devices communicate over an alternate communications link when beyond the short-range wireless link, Hind simply does not teach or suggest the present invention as recited in independent claim 1,

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

and similarly recited in independent claims 13-14 and 17 which, amongst other patentable elements, requires:

upon link set-up over a short-range wireless link, executing an authentication protocol...

later, when the first and second electronic devices are beyond the short-range wireless link, executing the authentication protocol by exchanging the authentication information between the first and second electronic devices over an alternate communications link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated.
(emphasis added)

Claim 17 further requires:

wherein said first communications link and said second communications link are different types of links. (emphasis added)

According to page 4, item 9 of the Final Office Action, in FIG 1A of Hind, items 1050 and 1030 teach "different types of communications links." It is respectfully submitted that the noted Hind items 1050 and 1030 in FIG 1A, assuming arguendo that they are different types of communications links, are nevertheless NOT between the very same TWO devices. Rather, FIG 1A of Hind shows one communication link between a first device 1003 and a second device 1001, and a second communication link between the second

PATENT
Serial No. C9/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

device 1001 and a third device 1005. Hence, even if one assumes that these two Hind communication links are different, this still does not meet the features recited in claim 17 that requires different links between the very same two devices.

Hind simply does not teach or suggest only allowing communication between two devices if the two devices had initially been successfully authenticated upon link set-up over a short-range wireless or a first link, as recited in independent claims 1, 13-14 and 17, e.g., when the two devices are in physical proximity, as recited in claim 7.

Accordingly, it is respectfully submitted that independent claims 1, 13-14 and 17 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-12 and 15-16 should also be allowed at least based on their dependence from independent claims 1 and 14.

In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

submit further arguments in support of the above stated position,
should that become necessary. No arguments are waived and none of
the Examiner's statements are conceded.

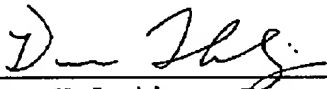
PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

CONCLUSION

Claims 1-17 are patentable over Hind. Thus, the rejection of claims 1-17 should be reversed.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Appellant
May 15, 2006

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

CLAIMS APPENDIX

1. (Original) A method of authenticating first and second electronic devices, comprising:

upon link set-up over a short-range wireless link, executing an authentication protocol by exchanging authentication information between the first and second electronic devices to initially authenticate communication between the first and second devices;

later, when the first and second electronic devices are beyond the short-range wireless link, executing the authentication protocol by exchanging the authentication information between the first and second electronic devices over an alternate communications link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated.

2. (Original) The method of Claim 1, wherein the authentication information is an authentication key.

3. (Original) The method of Claim 1, wherein the

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

authentication information a password.

4.(Original) The method of Claim 1, wherein the first device is a master device and the second device is a slave device.

5.(Original) The method of Claim 1, wherein the short-range wireless link is a radio link.

6.(Original) The method of Claim 1, wherein the short-range wireless link is an infra-red link.

7.(Original) The method of Claim 1, wherein the link set-up occurs when the first and second devices are in physical proximity.

8.(Original) The method of Claim 1, wherein the short-range wireless link conforms to a given RF protocol.

9.(Previously Presented) The method of Claim 8, wherein the given RF protocol is Bluetooth.

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

10. (Original) The method of Claim 1 wherein the link set-up step includes entry of a given personal identification number into each of the first and second electronic devices.

11. (Original) The method of Claim 1, wherein the alternate communications link is a computer network.

12. (Original) The method of Claim 1, wherein the first electronic device is a client and the second electronic device is a server.

13. (Original) A method of authenticating first and second electronic devices, comprising:

upon link set-up over a first link, executing an authentication protocol by exchanging authentication information between the first and second electronic devices to initially authenticate communication between the first and second devices;

later, when the first and second electronic devices are connected using a second link, exchanging the authentication information between the first and second electronic devices over

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

the second link, then only allowing communication between the first and second devices if the first and second devices had initially been successfully authenticated.

14. (Previously Presented) An electronic device, comprising:

a processor;

and

a memory loaded with a software routine executed by the processor (a) for generating authentication information useful in initially authenticating the electronic device to a another electronic device over a short-range wireless link, and (b) for later supplying the authentication information for later authentication of the electronic device to the other electronic device over an alternate communications link when the devices are beyond the short-range wireless link, then only allowing communication between the devices if the devices had initially been successfully authenticated.

15. (Original) The electronic device of Claim 14, wherein the link set-up step includes entry of a given personal identification

PATENT
Serial No. 09/597,198

Appeal Brief in Reply to Advisory Action of March 6, 2006

number into each of the first and second electronic devices.

16. (Original) The electronic device of Claim 14, wherein the electronic device is a client and the second electronic device is a server.

17. (Previously Presented) A communications system, comprising:

a first electronic device;

a second electronic device;

a first communications link over which the first and second electronic devices authenticate each other using a given protocol that includes a link set-up and the exchange of authentication information following the link set-up, the authentication information being used to initially authenticate communication between the first and second electronic devices; and

a second communications link over which the first and second electronic devices later authenticate each other using the exchange of the authentication information, then only allowing communication between the first and second devices if the first and second

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

devices had initially been successfully authenticated, wherein said first communications link and said second communications link are different types of links.

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

EVIDENCE APPENDIX

None

PATENT
Serial No. 09/597,198
Appeal Brief in Reply to Advisory Action of March 6, 2006

RELATED PROCEEDINGS APPENDIX

None